

)	
)	No. 4:17-CR-00086-MAC-CAN
UNITED STATES OF AMERICA)	
)	
v.)	SENTENCING
)	MEMORANDUM
SUMAIYA ALI,)	
)	
)	

In support of her request, the Defendant waived Indictment, and entered a plea of guilty to a violation of 18 U.S.C. § 1001(a)(2) - False Statement Regarding International Terrorism. This offense carries a penalty of not more than 8 years imprisonment and not more than a \$250,000 fine. In addition to her guilty plea, in consideration for the agreed sentence, the Defendant has cooperated with the Government and agreed to provide testimony should it become necessary to do so in the future. In consideration for the above agreement, Mrs. Ali also waived her right to object to venue, thereby permitting prosecution of the instant offense by the U.S. Attorney's Office in the Eastern District of Texas, which had investigated the defendant's conduct.² Further, grounds

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existed to challenge the admissibility of the § 1001(a) charge, had Mrs. Ali elected to go to trial.³ Finally, the plea agreement reflects the unique circumstances of the offense and offense related conduct. Based on the above factors, the US Attorney's Office in the Eastern District of Texas, with the approval of the Justice Department, and agreement of undersigned counsel, agree that the interest of justice is served by the agreed sentence, and we respectfully request that this Honorable Court approve the sentence.

Respectfully submitted this 12th day of September, 2017.

/s/ Charles D. Swift
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³ After agents had executed their search warrant for the defendant's luggage, Mrs. Ali was questioned by FBI agents at DFW airport in a small room without first advising Mrs. Ali of her Miranda rights. *See United States v. Jayyousi*, 657 F.3d 1085, 1110 (11th Cir. 2011) ("When Agent Fincher accused Padilla of terrorist activities, a reasonable person would have felt subjected to a degree of restraint comparable to arrest. . . . Because the interview became custodial in nature, any statements Padilla made after he was accused of participating in terrorist activities and before he received his Miranda warning would have been inadmissible."); *see also Florida v. Royer*, 460 U.S. 491, 494-95 (1983) (suppressing consent to search when a defendant was detained at the airport and "involuntarily confined within [a] small room without probable cause").

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2017, a copy of the instant Sentencing Memorandum was filed using the Eastern District of Texas's Electronic Filing System (ECF), which sent a notice of filing to all counsel of record.

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